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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,830	09/21/2000	Paavo Hyvarinen	1313/IG310-U	2592

7590

11/19/2002

Darby & Darby
805 Third Avenue
New York, NY 10022-7513

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/582,830

Applicant(s)

HYVARINEN ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3721

DETAILED ACTION***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed 2/12/2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The applicants need to provide copy of the foreign patents in order to be considered, the examiner has been considered the US patents. Note that the amendment filed on 11/01/2002 was missing the supplement IDS with a copy of the foreign patents cited.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 15-17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore et al. (3,729,367) in view of Focke 5,052,795 Gebhardt (5,205,808).

Shore discloses a method of packaging a web comprising slitting a web to form a slit web of two or more narrower webs (Figs. 1 and 5; via 44); folding the slit web into superimposed layers (Figs. 2 and 5); directing the slit web to move with the first and second rotating reels a (100)

Art Unit: 3721

length of a predetermined rotational angle to provide folding of the narrower webs by holding the two or more narrower webs alternatively against surfaces of the first and second rotating reels (Fig. ^{2, 25} 4, ¹⁰³ via 56) and joining ends of the webs together (Figs. 1 and 5; ^{5, 6} via portions 18).

~~Shore does not disclose the step of directing the slit web to a nip formed by first and second rotating reels.~~ However, Gebhardt discloses a method of packaging a web comprising the step of directing the web to a nip formed by first and second rotating reels and at least one of the mechanical gripper projection extending outwardly (Fig. 2 via 38 and Fig. 5) to interfold the bags and to achieve stronger and sharper folds on the web (column 3, lines 23 and 24).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Shore's method of packaging a web by having the step of directing the two or more narrower webs to a nip formed by first and second rotating reels, as suggested by Gebhardt, in order to interfold the bags or webs and to achieve stronger and sharper folds on the web.

Regarding claim 15: ^{6.} Shore discloses that holding the slit web against the surfaces of the first and second rotating reels, see for example (Fig. ⁵ 4, ^{Fig. 104} via 56).

Regarding claims 13, 14 and 18: ^{6.} Shore does not disclose exactly that the slit web are joined together by joining a forward/tall end of an outermost web to a forward/tall end of next adjacent web by sewing, taping, gluing,...etc. However, ^{F.} it would have been an obvious matter of design choice to have modified Shore's web by having the two or more narrower webs are joined together by joining a forward/tall end of an outermost web to a forward/tall end of next adjacent web by sewing, taping, gluing,...etc., since applicant has not disclosed that the two or more narrower webs are joined together by joining a forward/tall end of an outermost web to a

Art Unit: 3721

forward/tall end of next adjacent web by sewing, taping, gluing,...etc solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with having the webs sub-divided by longitudinally extending as disclosed by Shore and keep them connected by portions 18 (Figs. 1, 5, and 6).

Response to Arguments

Applicant's arguments filed 11/01/2002 have been fully considered but they are not persuasive.

Applicants argue in page 9 of the arguments that Shore's reference does not disclose folding the webs by causing them to move with rotating reels. The examiner still believes that Shore's reference discloses that the folding the webs by causing them to move with rotating reels via the device 56 moving back and forth to form a zigzag fold shape, from looking at Fig. 4 it appears that by the end of device 56 two rollers or reels. Even if Shore does not disclose that clearly the examiner believes Gebhardt's reference clearly discloses that folding the webs by causing them to move with rotating reels via rolls or reels 38.

Applicants also argue in page 9 of the arguments that Gebhardt does not disclose that the bags are joined together in any way. The examiner agrees with the applicants that Gebhardt does not disclose that the bags are joined together in any way, but the examiner believes that Shore's reference clearly discloses that the webs are joined together via web portions 18.

In response to applicant's argument that a person of ordinary skill in the art would not have combined the teaching of Shore with the teaching of Gebhardt is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned,

Art Unit: 3721

in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the examiner believes that both references disclose a fold in a zigzag way, in Shore the stack 16 and in Gebhardt stack 44, which make it obvious to combine them for better way of folding and achieving stronger fold lines.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rada, Rinaldi can be reached on (703) 308-2187. The fax phone numbers for the


Art Unit: 3721

organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.

November 14, 2002

A handwritten signature in cursive script, appearing to read "Eugene Kim", written in black ink.

**EUGENE KIM
PRIMARY EXAMINER**